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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,630	02/16/2001	Alex Magary	N00389/70005 IB/RJP	3560

23628 7590 09/26/2005

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EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/785,630		MAGARY ET AL.	
	Examiner		Art Unit	
	Frantzy Poinvil		3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-50,59-74 and 83-118 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-50,59-74 and 83-118 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/12/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17-26, 28-43, 45-50, 59-69, 71-74, 83-92 and 94-118 are rejected under 35 U.S.C. 102(b) as being anticipated by Northington et al (US Patent No. 6,128,602).

As per claims 17-26, and 28-43, 45-50, 59-67, 69, 71-74, 83-92 and 95-118, Northington et al disclose a system and method of making financial transaction information available electronically to remote client terminals. The system and method comprise receiving financial transaction data for a plurality of distinct financial transactions; determining a unique identifier for each distinct financial transaction and a client associated with each distinct financial transaction; determining as a function of each unique identifier whether the associated client has consented to receiving the respective financial data electronically and if it is determined that the associated client electronically. Applicant is directed to column 7, line 44 to column 8, line 40 of Northington et al. Northington et al also teach suppressing transmission of a paper based version of the consented respective financial data, sending an E-mail message directly to an E-mail address of the associated client which may be for incorporation into a financial software program (applicant is referring to column 10, lines 56 to 65, column 11, lines 4-10, column 5, lines 15-29). The client system and the server system communicate with one

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another over a secure connection via the Internet. The system performs comparison of logins, passwords and reconciliation of stored information with inputted information. See column 14, lines 11-23 and column 6, lines 52-64 of Northington et al..

As per claims 28-29, 68 and 94, applicant is referring to column 9, lines 24-41 and 64-67.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27, 44, 70 and 93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Northington et al. (US Patent No. 6,128,602).

The teachings of Northington et al. are discussed above. As per claims 27, 44, 70, 93 Northington et al do not explicitly teach the step of maintaining a record of each sent E-mail message that does not successfully reach its intended E-mail destination. However, Northington et al teach sending E-mail to client terminals. Also, most E-mail systems have an automatic features of identifying E-mails that are not read, open or reached a destination. Incorporating such a feature in the system of Northington et al. would have been obvious to one of ordinary skill in the art in order to determine alternate means of communicating requested information to a requester. If a recipient has failed to receive an E-mail message, sending a paper-based representation of the financial transaction data associated with each unsuccessfully sent E-mail


message would have been obvious to one of ordinary skill in the art to do in the system of Northington et al in order to assure that the requester does receive the requested information.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Frantzy Poinvil
Primary Examiner
Art Unit 3628

FP

September 15, 2005